



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. _____

#17
N. Cobb
1/15/04

Application No.: 09/840,278

Filing Date: April 23, 2001

Applicant: Pangerc et al

Group Art Unit: 3727

Examiner: Stephen J. Castellano

Title: STORAGE CONTAINER

Attorney Docket: 0275Y-000357

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REPLY BRIEF

In response to the Examiner's Answer (Paper No. 15) dated November 17, 2003,
please consider Appellants' following reply.

REMARKS

With regard to the Examiner's combination of Daneshvar '818 and Ratcliff '595, Applicants submit that neither Daneshvar '818 nor Ratcliff '595 disclose first and second inner lid portions with first and second latches slidable between locked and unlocked positions, as claimed. The Examiner improperly rationalizes that the covers 51, 53 of Ratcliff '595 each have stationary latch portions defined by the portions of the upper surfaces of the covers that are engaged by rotatable latch 55. However, these "portions" of the covers are not slidable between locked and unlocked positions, as claimed, but instead are only "stationary" as admitted by the Examiner (see Examiner's Answer, page 7, lines 3-5).

With respect to the Examiner's proposed modification, the addition of sliding latches to the lids 21, 22 of Daneshvar '818 provides a duplicate function to the lids of Daneshvar '818 since the lids already have snaps X and Y as illustrated in Figure 10. Applicants submit that because the disclosure of Daneshvar '818 already provides the lids with snaps X and Y, the addition of sliding latches, as claimed, is improper.

With regard to the combination of Takama '710, Spencer et al '058, and Daneshvar '818, the Examiner asserts that the addition of recesses on the narrow side edges of the partition board 2 of Takama provide additional strength and enhances the alignment of the spacer/divider panel with the wall or walls it connects to. However, Applicants submit that these assertions are incorrect. In particular, there is no basis for the Examiner's assertion that the addition of recesses provides strengthening, since recesses inherently weaken the divider panel by providing a smaller cross section of material which inherently weakens the material strength. Furthermore, there is no

support that recesses would improve alignment since there is no indication in the disclosure of Takama that improved alignment is desired or necessary since the dovetail ends of the partition board 2 of Takama provides more than adequate alignment. Therefore, Applicants submit that the Examiner's motivation is clearly flawed.

With regard to claim 21, Applicants submit that Ratcliff '595 does not disclose a latch coupled to a body portion of a lid and slidable between locked and unlocked positions, as claimed. With respect to the claimed "raised lip," the Examiner asserts that "Appellant has not traversed the statement that raised lips are well known in the art. In Paper 7, Appellant disagrees with the Examiner's well known statement insofar as there was no teaching or suggestion within Ratcliff. In the Brief, Appellant states that the Examiner has failed to cite any reference which discloses a raised lip. It doesn't seem that Appellant strongly believes in this position and has not seasonably traversed or seasonably challenged the well known statement." The Examiner then directs the Board's attention to Burns '464 and Brady '565 references for disclosing ribs on either a base or cover of a storage device. However, Applicants submit that neither Burns nor Brady disclose an inner lid, as claimed, having a raised lip on the inner lip, as claimed. Accordingly, Applicants submit that the Examiner has still failed to support his assertion that it is well known in the art to provide a raised lip on an inner lid, as claimed.

In view of each of the above arguments, as well as the arguments earlier presented in the Appellants' Brief, Appellants hereby request that this Board overturn the rejections of claims 2-13, 16, and 18-21.

Please charge any deficiency or credit any overpayment pursuant to 37 C.F.R.
§ 1.16 or § 1.17 to Deposit Account No. 02-2548.

Respectfully submitted,

Dated: Dec. 31, 2003

By:

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